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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,258	03/30/2005	Miguel A. Linares	3DM P-308	4642
25686 7590 07/18/2008 CARGILL & ASSOCIATES, P.L.L.C. 56 MACOMB PLACE MT. CLEMENS, MI 48043				
EXAMINER				
FELAU, LISEDA				
ART UNIT		PAPER NUMBER		
1791				
NOTIFICATION DATE		DELIVERY MODE		
07/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Cargillpatents@usa.net

Office Action Summary

Application No.

10/530,258

Applicant(s)

LINARES ET AL.

Examiner

LISED A FELAU

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claims 13-20, drawn to a plastic forming apparatus for making plastics.

Group II, claims 21-23, drawn to a method of forming plastic articles.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature between Groups I and II is:

making plastic articles comprising at least two complementary open bare surface molds capable of being moved along a trunion track and heated; at least one hopper for dumping a particulate plastic into at least one individual open bare surface of first hopper, said hopper distributing the plastic into the at least one mold through at least one distributor arm with a facing tube and louvers; a rolling cart for moving the trunion track from underneath the first hopper to a second position under a second hopper; a second hopper for dumping a second particulate plastic into at least one of the molds, said second hopper also having a distributor arm with a facing distributor tube with louvers and being capable of recharging with surplus particulate plastic; and a cooling station.

However, FRIED et al. teaches the special technical feature as follows: forming molded articles from particulate thermoplastic material by using preheated female and male molds (two complementary open bare surface molds) on a guide means for supporting the molds provided on a track with a plurality of stations (each mold being mounted on a rolling cart where said molds are capable of being moved along a trunion track and heated) [page 3: paragraph 64; page 8: paragraph 132; claim 10]. FRIED et al. teaches that the particulate thermoplastic material is applied to the molds through container 20 as shown in Figure 2D [page 3: paragraph 66; claim 10] (for dumping a first particulate thermoplastic material into each of the open molds). The molds containing the particulate thermoplastic material is heated to fuse the material to form respective halves of the plastic member; placing the molds together in order to fuse the halves together to form plastic molded article; where after the molded article is cooled (cooling station for cooling heated molds) [claims 10 and 12].

FRIED et al. does not teach specifically of using a hopper to discharge particulate thermoplastic material onto the open molds and of the use of two hoppers to distribute a first and second particulate thermoplastic material.

WISOTZKY et al. teaches of making plastic articles in a continuous manner wherein one or more hoppers 22 and 23 (first and second hopper) as shown in Figure 4 are used to apply plastic granules comprising different colors to (first and second particulate thermoplastic material) a plastisol coated sheet [col.1, lines 38-52; col.2, lines 53-72]. It would have been obvious to use the consequently placed hoppers 22 and 23 containing different colored plastic granules as taught by WISOTZKY to distribute different colored granules said first and second particulate thermoplastic material onto the molds as taught by FRIED et al. in order to make an

article comprising a plurality of layers made from different colored particulate thermoplastic material i.e. plastic article which is white on the inside and black on the outside may be formed [FRIED: page 5, paragraph 85] by molding first with white particulate material distributed on the molds by the first hopper 22 whereby upon transfer of the molds on a support or base through the track as taught by FRIED under hopper 23, a molding with the black material can be achieved utilizing hopper 23 as means to distribute the black colored granules onto the molds. In addition, FRIED et al. teaches that laminated articles may also be formed by carrying out the process according to the invention using several different thermoplastic materials i.e. a thin layer of non-porous plastic may be formed on the side of the mold, followed by a layer of foamed plastic, thereby producing a light container with a non-porous interior surface [page 7: paragraph 125]. Therefore, in view of FRIED as modified by WISOTZKY et al. there is a lack of unity between the inventions claimed as groups I and II.

3. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include

(i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISEDA FELAU whose telephone number is (571)270-5128. The examiner can normally be reached on Monday thru Thursday 8:00 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571)272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LF

/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791